GOVERNMENT OF ANDHRA PRDESH
ABSTRACT

Municipal Administration & Urban Development Department – The Andhra Pradesh Municipalities (Conduct of Election of Members) Rules, 2005 – Amendments – Notification – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G) DEPARTMENT

G.O.MS.No. 16 Dated: 10-01-2020
Read the following:-

1.G.O.Ms.No.666, M.A. & U.D. (Elec.II) Department, dtd. 11.07.2005.
2. From the State Election Commissioner, A.P., lr.No.150/SEC-F2/2019, dt.24.04.2019.
3. From the C&DMA, A.P., Guntur, letter Roc.No.13021/70/2019-D, dated:14.07.2019

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ORDER:

The following Notification will be published in an Extra - ordinary issue of Andhra Pradesh Gazette dated.10.01.2020.

NOTIFICATION

In exercise of the powers conferred by clause (b) of sub-section (2) of Section 326 read with Clause (12) of Section 2, 10-A, 15-B, 27, 343-ZC, and 343-ZD of the Andhra Pradesh Municipalities Act, 1965(Act No.6 of 1965), the Governor of Andhra Pradesh, hereby, makes the following amendments to the Andhra Pradesh Municipalities (Conduct of Election of Members) Rules, 2005 and as amended from time to time.

AMENDMENTS

In the said Rules,

(a) In Rule 14, after sub-rule (1), the following new sub-rules shall be inserted, namely, –

"(1A). For the purpose of listing the names under sub-rule (1), the candidates shall be classified into three categories as follows:-

(i) candidates of recognised political parties;
(ii) candidates of registered political parties;
(iii) other candidates.

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(1B). The names of the candidates shall be arranged in each of the above three categories as per the procedure laid down in sub-rule (2). The serial number of the candidates in all the above three categories shall be given consecutively and not separately in each category."

(ii) After Rule 67, the following new rules shall be added, namely –

"67-A.Particulars of account of election expenses: (1) The account of election expenses to be kept by a candidate or his election agent shall contain such particulars and shall be in such proforma as may be specified by the State Election Commission.

(2) The account of Election Expenses shall be submitted to the District Election Authority through the Municipal Commissioner within forty-five (45) days of the declaration of the result of the election. The date of submitting the return in the Office of the Municipal Commissioner shall be deemed to be the date of filing the return under Section 343-ZC of the Andhra Pradesh Municipalities Act, 1965. The Municipal Commissioner shall forward all returns received by him to the District Election Authority immediately on the expiry of forty-five (45) days from the date of declaration of the results of elections.

(3) The Commissioner shall also send a list of contesting candidates who have failed to submit the accounts of election expenditure within the time specified in sub-rule (2). He shall also forward any accounts of election expenditure submitted after the due date with his report.

67-B. Notice by District Election Authority for inspection of accounts: The District Election Authority shall, within two (2) days from the date on which the account of election expenses has been received by him, cause a notice to be affixed to his notice board, specifying-

(a) the date on which the account has been lodged before the Municipal Commissioner,
(b) the name of the candidate; and
(c) the time and place at which such account can be inspected by any intending person.

67-C. Inspection of account and the obtaining of copies thereof: Any person shall on payment of an Rs.5/-, (Rupees five only), be entitled to inspect any such account and on payment of an Rs.5/- (Rupees five only) be entitled to obtain attested copies of such account or of any part thereof.

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67-D. Report by District Election Authority as to the lodging of the Account of election expenses and the decision of the State Election Commission thereon: (1) As soon as may be, after the expiration of the time specified in Section 343-ZC of the Act for the lodging of the accounts of election expenses at any election, the District Election Authority shall, report to the State Election Commission, -

(a) the name of each contesting candidate;
(b) whether such candidate has lodged his account of election expenses, and if so, the date on which such account has been lodged; and
(c) whether in his opinion such account has been lodged within the time and in the manner required by the Act and these rules.

(2) Where the District Election Authority is of the opinion that the account of election expenses of any candidate has not been lodged within the due date or lodged by not in the manner required by the Act and these rules, he shall make a report to the State Election Commission and with every such report, forward the account of election expenses of that candidate and the vouchers lodged along with it, if any.

(3) Immediately after the submission of the report referred to in sub-rule (1), the District Election Authority shall publish a copy thereof affixing the same on his notice board.

(4) As soon as may be, after the receipt of the report referred to in sub-rule (1), the State Election Commission shall, consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by the Act and these rules.

(5) Where the State Election Commission decides that a contesting candidate has failed to lodge his account of election expenses within the time and/or in the manner required by the Act and these rules, it shall by notice in writing call upon the candidate to show cause why he should not be disqualified, and declared to have ceased to hold office in case he is elected under Section 15-B of the Act for the failure.

(6) Any contesting candidate who has been called upon to show cause under sub-rule (5) may, within twenty days of the receipt of such notice, submit in respect of the matter a representation in writing to the State Election Commission, and shall at the same time send to District Election Authority a copy of his representation together with a complete account of his election expenses if he had not already furnished such an account.

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(7) The District Election Authority shall, within five (5) days of the receipt thereof, forward to the State Election Commission, the copy of the representation and the account, if any, with such comments as he wishes to make thereon.

(8) If, after considering the representation submitted by the candidate and the comments made by the District Election Authority, and after such inquiry as it thinks fit, the State Election Commission is satisfied that the candidate has no good reason or justification for the failure to lodge his account, it shall declare him by an order made under Section 15-B of the Act to be ineligible for a period of three years, from the date of the said order, to contest any election held for any office under the Act and if he is an elected candidate declare him to have ceased to hold office with immediate effect and publish the order in the Official Gazette.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase Muthyalampadu street, Satyanarayana Puram PO, Krishna District, Vijayawada, Andhra Pradesh 520011.
The Commissioner & Director of Municipal Administration, A.P., Guntur.
The Secretary, A.P. State Election Commission, 1st Floor, New Hods Building, Mg Road, Vijayawada -520010, Opposite Indira Gandhi Municipal Stadium
Copy to:-
The Law (I) Department.
Sf/SCs

//FORWARDED :: BY :: ORDER//

SECTION OFFICER